

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case: 1:12-cr-20607

Judge: Ludington, Thomas L.

MJ: Binder, Charles E.

Filed: 09-13-2012 At 08:02 AM

D-1 ROBERT J. POCHMARA,  
D-2 MAXINE C. POCHMARA,  
D-3 GARY L. WILSON,  
D-4 SUE A. WILSON,

Defendants.

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INDICTMENT

THE GRAND JURY CHARGES:

Count 1  
(18 U.S.C. §371)

D-1 ROBERT J. POCHMARA,  
D-2 MAXINE C. POCHMARA,  
D-3 GARY L. WILSON,  
D-4 SUE A. WILSON

From approximately January of 1998 to approximately March of 2009, the precise times unknown, in the Eastern District of Michigan, Northern Division, Robert J. Pochmara, Maxine C. Pochmara, Gary L. Wilson, and Sue A. Wilson, defendants herein, did knowingly conspire to commit an offense against the United States in that Robert J.

Pochmara, Maxine C. Pochmara, Gary L. Wilson, and Sue A. Wilson conspired to defraud the United States, in violation of 18 U.S.C. §371.

#### GENERAL ALLEGATIONS

At all times relevant to this indictment, Robert J. Pochmara worked at an auto parts store in Rogers City, Michigan. At the same time, Robert J. Pochmara was receiving disability retirement benefits from the Railroad Retirement Board, an agency of the United States, and obligated to report earnings he received from work to that agency.

Gary L. Wilson and Sue A. Wilson paid Robert J. Pochmara for his work at the auto parts store with checks made payable to Maxine C. Pochmara. Gary L. Wilson and Sue A. Wilson thereby caused the wages earned by Robert J. Pochmara, and the withholdings from those wages, to be reported to the Internal Revenue Service and Social Security Administration under Maxine C. Pochmara's name and social security number. Some of the checks made payable to Maxine C. Pochmara for work performed by Robert J. Pochmara were cashed by using an account shared by Maxine C. Pochmara and Robert J. Pochmara.

By these actions, Gary L. Wilson, Sue A. Wilson, and Maxine C. Pochmara enabled Robert J. Pochmara to conceal from the Railroad Retirement Board the earnings that Robert J. Pochmara obtained from working while he was receiving disability benefits. Robert J. Pochmara thereby kept the Railroad Retirement Board from

considering whether to reduce or discontinue his disability benefits as a result of his earnings from work. In addition, Robert J. Pochmara, Gary L. Wilson, Sue A. Wilson, and Maxine C. Pochmara caused the records maintained by the Social Security Administration under Maxine C. Pochmara's name and social security number to reflect wages that were not earned by Maxine C. Pochmara.

### OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts were performed:

1. Gary Wilson and Sue Wilson wrote checks made payable to Maxine Pochmara for work done by Robert Pochmara for the auto parts store.
2. Gary Wilson and Sue Wilson concealed from the accountant for the auto parts store the fact that the checks issued to Maxine Pochmara were for work done by Robert Pochmara.
3. Gary Wilson and Sue Wilson caused the accountant for the auto parts store to prepare W-2s using Maxine Pochmara's name and social security number for work done at the auto parts store by Robert Pochmara, and to provide those W-2s to Maxine Pochmara for the relevant years.
4. Gary Wilson and Sue Wilson caused the accountant for the auto parts store to prepare returns reporting earnings and withholdings to the IRS and the Social Security

Administration under Maxine Pochmara's name and social security number for work done at the auto parts store by Robert Pochmara.

5. Robert Pochmara and Maxine Pochamara caused their tax preparer to report earnings and withholdings to the IRS and the Social Security Administration under Maxine Pochmara's name and social security number for work done at the auto parts store by Robert Pochmara.

6. Robert Pochmara failed to report his earnings from working at the auto parts store to the Railroad Retirement Board.

7. In August of 2008, Robert Pochmara told the Railroad Retirement Board that he had not been employed any time since he started receiving disability benefits.

Count 2  
(18 U.S.C. §1001(a))

D-1 ROBERT J. POCHMARA  
D-2 MAXINE C. POCHMARA

From approximately January of 1998 to approximately March of 2009, the precise times unknown, in the Eastern District of Michigan, Northern Division, Robert J. Pochmara, defendant herein, aided and abetted by Maxine C. Pochmara, also a defendant herein, knowingly and willfully concealed and covered up by trick, scheme, or device a material fact in a matter within the jurisdiction of the Railroad Retirement Board, an agency of the executive branch of the United States, in that Robert J. Pochmara and

Maxine C. Pochmara concealed from the Railroad Retirement Board the material fact that Robert J. Pochmara was receiving earnings from work while he was also receiving over \$218,000 in disability benefits from the Railroad Retirement Board by arranging for the checks for Robert J. Pochmara's earnings to be made payable to Maxine C. Pochmara, in violation of 18 U.S.C. §§1001(a) and 2.

Count 3  
(42 U.S.C. §408(a)(6))

D-1 ROBERT J. POCHMARA,  
D-2 MAXINE C. POCHMARA,  
D-3 GARY L. WILSON,  
D-4 SUE A. WILSON

From approximately January of 1998 to approximately March of 2009, the precise times unknown, in the Eastern District of Michigan, Northern Division, Robert J. Pochmara, Maxine C. Pochmara, Gary L. Wilson, and Sue A. Wilson, defendants herein, willfully, knowingly, and with intent to deceive the Social Security Administration as to the true identity of the person earning wages, did furnish and cause to be furnished false information to Social Security with respect to information required in connection with the establishment and maintenance of records of the wages paid to each individual and the periods in which such wages were paid as provided for in 42 U.S.C. §405(c)(2), in that Robert J. Pochmara, Maxine C. Pochmara, Gary L. Wilson, and Sue A. Wilson furnished and caused to be furnished false information regarding the true identity of the person earning wages by reporting employment income earned by Robert J. Pochmara to the

Social Security Administration using the name and social security number of Maxine C.

Pochmara, in violation of 42 U.S.C. §408(a)(6).

Dated: September 12, 2012

THIS IS A TRUE BILL.

s/Grand Jury Foreperson  
GRAND JURY FOREPERSON

BARBARA L. McQUADE  
United States Attorney

s/Janet L. Parker  
Janet L. Parker (P34931)  
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s/Craig F. Wininger  
Craig F. Wininger  
Assistant U.S. Attorney  
Chief, Branch Offices

**Companion Case information MUST be completed by AUSA and initialed**United States District Court  
Eastern District of Michigan**Criminal Case Cover Sheet**

Case Number

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

**Reassignment/Recusal Information** This matter was opened in the USAO prior to August 15, 2008 [ ]

<b>Companion Case Information</b>	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: JLP

Case Title: USA v. Robert J. Pochmara, et alCounty where offense occurred : Presque IsleCheck One: ☒ Felony ☐ Misdemeanor ☐ Petty

☒ Indictment/\_\_\_ Information --- no prior complaint.  
 \_\_\_ Indictment/\_\_\_ Information --- based upon prior complaint [Case number: \_\_\_\_\_]  
 \_\_\_ Indictment/\_\_\_ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

**Superseding Case Information**

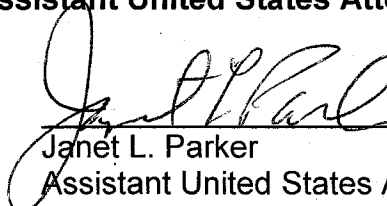
Superseding to Case No: \_\_\_\_\_ Judge: \_\_\_\_\_

- ☐ Original case was terminated; no additional charges or defendants.  
☐ Corrects errors; no additional charges or defendants.  
☐ Involves, for plea purposes, different charges or adds counts.  
☐ Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

9/11/12  
 Date

  
 Janet L. Parker  
 Assistant United States Attorney  
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<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.